

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly
5 assisted Applicant in responding.

Information Disclosure Statement

2. The Examiner stated that References "E", "F", "L" and "R" of the information
10 disclosure statement fails to comply with certain provisions.

Reference E

The date is October 1994.

15 Reference F

The date is May 1995.

Reference L

A date could not be found.

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However, in the IDS attached hereto, Applicant is submitting an article by the same authors and which is very close in discussion to Reference L.

Reference R

25 A date could not be found.

Specification

3. The Examiner stated that the title of the invention is not descriptive. The Examiner
30 required a new title that is clearly indicative of the invention to which the claims are directed.

Applicant replaces the former title with the new title as follows: " METHOD AND APPARATUS FOR AN INTEGRATIVE MODEL OF MULTIPLE ASSET CLASSES".

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Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to the Specification.

35 U.S.C. §112, second paragraph

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- 4. The Examiner rejected Claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - 10 Applicant has canceled Claim 1 without prejudice and has added a new Claim 4 of similar content.

Accordingly, Applicant respectfully requests that the Examiner withdraws the rejection under 35 U.S.C. §112, second paragraph.

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- 35 U.S.C. §101**
- 5. The Examiner rejected Claims 1-3 under 35 U.S.C. §101 because the invention as disclosed in Claim 1 and 2 is directed to non-statutory subject matter. The Examiner ends the description of the rejection by stating that the claims merely manipulate abstract ideas in general without limitation to a practical application where "certain substances" are transformed or reduced. Furthermore, the Examiner stated that Claim 3 does not cure the defect in Claim 2.
 - 25 Claim 1 is canceled without prejudice. Applicant has amended Claims 2-3 to overcome the rejection under 35 U.S.C. §101. Applicant has also added new claims to further clarify the invention. That is, Applicant respectfully points out to the Examiner that the invention is a computer-related invention intended primarily for investors.
 - 30 Support can be found in the Specification, as follows (emphasis added):

On page 1, lines 21-27 (Background):

- Shakespeare reminds us that the perils of investment have been with us always. Likewise, the insight that these risks can be reduced through diversification is ancient. A very recent idea, however, is that the risks can be measured and the degree of diversification can be optimized. **This new insight rests on a**

technological advance - the risk model - which itself rests on the technological revolution produced by the computer and, more specifically, by the silicon chip.

5 On page 2, lines 5-6 (Background):

It would be desirable to harness the recent increase in computing power to achieve an analysis of global asset risk which is both broad and deep.

10 **Figs. 1-11**, which show computer implemented results for the use of a user such as an investor.

15 It is readily apparent from the above that one of ordinary skill in the art would readily accept that the claimed invention is directed to a computer -related invention. Specifically, it is obvious that the invention is to be implemented on an automated machine such as the computer.

In view of the above, Applicant is of the opinion that amended Claims 2-3 overcome the rejection under 35 U.S.C. §101. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

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35 U.S.C. §102(e)

5. The Examiner rejected Claim 2 as being anticipated by Labe, Jr. *et al*, U.S. Patent Application Publication No. 2002/0091605 [hereinafter Labe].

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Applicant respectfully disagrees.

30 The rejection of Claim 2 under 35 U.S.C. §102(e) is deemed moot in view of the declaration by the inventor, Daniel Stefek, Senior Vice President, Research, under 37 C.F.R. 1.131 and the declaration by the Associate General Counsel of Barra, Inc., Noel Johnson, Esq., that Applicant has attached, swearing behind Labe.

35 Accordingly, Applicant is of the opinion that amended Claim 2 is in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(e).

6. Applicant points out that formal drawings are forthcoming, which should rectify the objections of the Draftperson's Patent Drawing Review.
7. It should be appreciated that Applicant has elected to cancel Claim 1 and amend
5 Claims 2 and 3 solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such cancellation and amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a
10 later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the objections and rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully Submitted,

[Signature]

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